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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,658	12/20/2001	James Michael Shumpert	384.7509USU	1146

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/027,658

Applicant(s)

SHUMPERT, JAMES MICHAEL

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Status*

Claims 1-9, 10-18 are pending and are rejected as followed.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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4. **Claims 1-5, 7-8 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over [www.gcevaluators.com](http://www.gcevaluators.com) ([http://web.archive.org/web/\\*/http://www.gcevaluators.com](http://web.archive.org/web/*/http://www.gcevaluators.com)), June 14, 1998.**

As of 8/31/06, claim 1 is as followed:

1. (previously presented) A computer-implemented method for determining authenticity of a business partner in response to a request of a user comprising:

(a) receiving a request of a user to determine authenticity of a business partner;

(b) receiving an identity of said business partner from said user;

(c) matching said identity of said business partner to a business data record of a business that is one of a plurality of businesses by searching at least one database for said business data record having attributes that match said identity, wherein said data record includes at least one data attribute; and

(d) processing one or more of said at least one data attribute of said matched data record according to a set of authentication rules to determine if said business partner is authentic, wherein said at least one data attribute represents at least one credential of said business partner.

Www.gcevaluators.com fairly discloses a method for determining authenticity of a business partner (candidate for a job opening or employee or partner) comprising the steps of:

(a) receiving a request of a user to determine authenticity of a business partner

{see page 4, paragraph #1};

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(b) receiving information about identity (name and/or address) of the business partner from the user {page 4, paragraph #1};

(c.) matching said identity of the business partner to a business data record of a business that is one of a plurality of businesses by searching at least one database for said business data record having attributes that match said identity (name and/or address {see page 2, bottom paragraph, items (1)-(3)},

(d) processing one or more of the at least one attribute of the matched record data according to a set of authentication (verification) rules to determine if the business partner has credential evaluation {see page 2, bottom paragraph, items (10)-(3)}.

Note that the teaching of a set of authentication (verification) rules is shown or inherently included on pages 2-4. As for the limitation of determine whether the business partner is authentic, this is inherently included in the teachings of [www.gcevaluators.com](http://www.gcevaluators.com) if the evaluation has credential or valid results. Alternatively, it would have been obvious to modify the evaluation of [www.gcevaluators.com](http://www.gcevaluators.com) to include authentication features if needed after the credential has been evaluated.

**As for dep. claim 2** (part of 1 above), which deals with well known claim (or data) verifying parameters, i.e. notifying the results to the user after matching the results, this is inherently included on pages 3 and 5.

**As for dep. claims 3-5** (part of 1 above), which deal with well known claim (or data) verifying parameters carried out on computer or web, i.e. inputting data/entry using standard template, or forms, these are non-essential to the scope of the claimed invention and inherently included in page 4, "Form".

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**As for dep. claim 7** (part of 1 above), which deal with well known claim (or data) verifying parameters, i.e. registration of the claims if steps (c.) fails to find a match, these are taught on pages 3, 5.

**As for dep. claim 8** (part of 1 above), which deal with well known claim (or data) verifying parameters, i.e. searching for a credential and wherein the credential is one of license, financial account, membership, etc., this is fairly taught in pages 2-3.

**5. Claims 6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over [www.gcevaluators.com](http://www.gcevaluators.com) as applied to claims 1-5 above, and further in view of Article 1997.**

**As for dep. claims 6, 9** (part of 1 above), which deal with well known claim (or data) verifying parameters, i.e. authentication rules require one or more current transactions with trade references, this is fairly taught in ARTICLE 1997, page 1, paragraph no. 4 "bankruptcy filings" or other financial transactions such as credit cards, etc. The use of other financial transactions would have been obvious as mere using other similar transactions to achieve similar results, absent evidence of unexpected results. ARTICLE 1997 page 1, paragraph no. 4, "driving records (license)" or "bankruptcy filings". It would have been obvious to modify the teachings of [www.gcevaluators.com](http://www.gcevaluators.com) to include other financial transactions, bank account, etc., as taught by Article 1997 if these financial parameters are needed to verify a candidate or business partner. Note that these are merely using other similar verifying parameters to achieve similar results.

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6. **Claims 10-14, 16-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over [www.gcevaluators.com](http://www.gcevaluators.com) ([http://web.archive.org/web/\\*/http://www.gcevaluators.com](http://web.archive.org/web/*/http://www.gcevaluators.com)), June 14, 1998.**

**As for independent system claim 10**, which is basically the system to carry out the method of claim 1 above, it's rejected over the computer system of [www.gcevaluators.com](http://www.gcevaluators.com) to carry out the rejection of method 10 as cited above.

**As for dep. system claims 11-14, 16-17 (part of 10 above)**, which have similar limitations as in dep. method claims 2-5, 7-8 (part of 1 above), they are rejected for the same reasons set forth above to minimize duplicate copy of the rejections of claims.

7. **Claims 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over [www.gcevaluators.com](http://www.gcevaluators.com) as applied to claims 10-14 above, and further in view of Article 1997.**

**As for dep. claims 15, 18 (part of 10 above)**, which deal with well known claim (or data) verifying parameters, i.e. authentication rules require one or more current transactions with trade references, this is fairly taught in ARTICLE 1997, page 1, paragraph no. 4 "bankruptcy filings" or other financial transactions such as credit cards, etc. The use of other financial transactions would have been obvious as mere using other similar transactions to achieve similar results, absent evidence of unexpected results. ARTICLE 1997 page 1, paragraph no. 4, "driving records (license)" or "bankruptcy filings". It would have been obvious to modify the teachings of [www.gcevaluators.com](http://www.gcevaluators.com) to include other financial transactions, bank account, etc., as taught by Article 1997 if these financial parameters are needed to verify a candidate or

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business partner. Note that these are merely using other similar verifying parameters to achieve similar results.

***Response to Arguments***

8. Applicant's arguments, see Response, filed 8/31/06, with respect to the rejections of claims 1-18 have been fully considered and are persuasive. The rejections have been withdrawn.

No claims are allowed.



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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
November 13, 2006

  
DEAN T. NGUYEN  
PRIMARY EXAMINER